Women In Islam Versus Women In The Judaeo-Christian Tradition The Myth & The Reality

Author(s): Sherif Muhammad Abdel Azeem

Publisher(s): World Islamic Network



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Contents

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point

A comparision of the position of women in Islam, Christianity Judaism based on the .Qur'an, Bible Talmud respectively

Introduction

Five years ago, I read in the Toronto Star issue of July ٣, ١٩٩٠ an article titled "Islam is not alone in patriarchal doctrines", by Gwynne Dyer. The article described the furious reactions of the participants of a conference on women and power held in Montreal to .the comments of the famous Egyptian feminist Dr. Nawal Saadawi

Her "politically incorrect" statements included: "the most restrictive elements towards women can be found first in Judaism in the Old Testament then in Christianity and then in the Qur'an"; "all religions are patriarchal because they stem from patriarchal societies"; and "veiling of women is not a specifically Islamic practice but an ancient ."cultural heritage with analogies in sister religions

The participants could not bear sitting around while their faiths were being equated with Islam. Thus, Dr. Saadawi received a barrage of criticism. "Dr. Saadawi's comments are unacceptable. Her answers reveal a lack of understanding about other people's faiths," declared Bernice Dubois of the World Movement of Mothers. "I must protest" said panellist Alice Shalvi of Israel women's network, "there is no conception

".of the veil in Judaism

The article attributed these furious protests to the strong tendency in the West to scapegoat Islam for practices that are just as

p: ١

much a part of the West's own cultural heritage. "Christian and Jewish feminists were not going to sit around being discussed in the same category as those wicked Muslims," wrote Gwynne Dyer.

I was not surprised that the conference participants had held such a negative view of Islam, especially when women's issues were involved. In the West, Islam is believed to be the symbol of the subordination of women par excellence. In order to understand how firm this belief is, it is enough to mention that the Minister of Education in France, the land of Voltaire, has recently ordered the expulsion of all young Muslim women wearing the veil from French schools![۱]

A young Muslim student wearing a headscarf is denied her right of education in France, while a Catholic student wearing a cross or a Jewish student wearing a skullcap is not. The scene of French policemen preventing young Muslim women wearing headscarves from entering their high school is unforgettable. It inspires the memories of another equally disgraceful scene of Governor George Wallace of Alabama in ۱۹۶۲ standing in front of a school gate trying to block the entrance of black students in order to prevent the desegregation of Alabama's schools.

The difference between the two scenes is that the black students had the sympathy of so many people in the U.S. and in the whole world. President Kennedy sent the U.S. National Guard to force the entry of the black students. The Muslim girls, on the other hand,

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۱- The Globe and Mail, Oct. ۴, ۱۹۹۴.

received no help from any one. Their cause seems to have very little sympathy either inside or outside France. The reason is the widespread misunderstanding and fear of anything Islamic in the world today. What intrigued me the most about the Montreal conference was one question: Were the statements made by Saadawi, or any of her ?critics, factual

In other words, do Judaism, Christianity, and Islam have the same conception of women? Are they different in their conceptions? Do Judaism and Christianity, truly, ?offer women a better treatment than Islam does? What is the Truth

It is not easy to search for and find answers to these difficult questions. The first difficulty is that one has to be fair and objective or, at least, do one's utmost to be so. This is what Islam teaches. The Qur’an has instructed Muslims to say the truth even if :those who are very close to them do not like it

"Whenever you speak, speak justly, even if a near relative is concerned." (۶:۱۵۲)

O you who believe stand out firmly for justice, as witnesses to Allah, even as against" yourselves, or your parents or your kin, and whether it be (against) rich or poor." ((۴:۱۳۵

The other great difficulty is the overwhelming breadth of the subject. Therefore, during the last few years, I have spent many hours reading the Bible, The Encyclopaedia of Religion, and the Encyclopaedia Judaica searching for answers. I have also read several books discussing the position of women in

different religions written by scholars, apologists, and critics. The material presented in the following chapters represents the important findings of this humble research. I .don't claim to be absolutely objective

This is beyond my limited capacity. All I can say is that I have been trying, throughout this research, to approach the Qur’anic ideal of "speaking justly". I would like to emphasize in this introduction that my purpose for this study is not to denigrate Judaism or Christianity. As Muslims, we believe in the divine origins of both. No one .can be a Muslim without believing in Moses and Jesus as great prophets of God

My goal is only to vindicate Islam and pay a tribute, long overdue in the West, to the final truthful Message from God to the human race. I would also like to emphasize .that I concerned myself only with Doctrine

That is, my concern is, mainly, the position of women in the three religions as it appears in their original sources not as practised by their millions of followers in the world today. Therefore, most of the evidence cited comes from the Qur’an, the sayings of Prophet Muhammad (S), the Bible, the Talmud, and the sayings of some of the most influential Church Fathers whose views have contributed immeasurably to defining and shaping Christianity. This interest in the sources relates to the fact that understanding a certain religion from the attitudes and the behaviour of some of its nominal followers is misleading. Many people confuse

culture with religion, many others do not know what their religious books are saying, .and many others do not even care

?Eve's Fault

The three religions agree on one basic fact: Both women and men are created by God, .The Creator of the whole universe

However, disagreement starts soon after the creation of the first man, Adam, and the first woman, Eve. The Judaeo-Christian conception of the creation of Adam and Eve is (narrated in detail in Genesis. (۲:۴-۲۴

God prohibited both of them from eating the fruits of the forbidden tree. The serpent .seduced Eve to eat from it and Eve, in turn, seduced Adam to eat with her

,When God rebuked Adam for what he did, he put all the blame on Eve

The woman you put here with me -- she gave me some fruit from the tree and I ate" (it." (Genesis, ۳: ۱۲

:Consequently, God said to Eve

I will greatly increase your pains in childbearing; with pain you will give birth to" (children. Your desire will be for your husband and he will rule over you." (Genesis, ۳: ۱۶

:To Adam He said

Because you listened to your wife and ate from the tree of which I forbidden you to" eat, "Cursed is the ground because of you; through painful toil you will eat of it all the (days of your life..." (Genesis, ۳: ۱۷

The Islamic conception of the first creation is found in several places in the Qur'an, for :example

O Adam! Dwell with"

your wife in the Garden and enjoy as you wish but approach not this tree or you run into harm and transgression. Then Satan whispered to them in order to reveal to them their shame that was hidden from them and he said: 'Your Lord only forbade '.you this tree lest you become angels or such beings as live forever

And he swore to them both that he was their sincere adviser. So by deceit he brought them to their fall: when they tasted the tree their shame became manifest to them .and they began to sew together the leaves of the Garden over their bodies

And their Lord called unto them: 'Did I not forbid you that tree and tell you that Satan was your avowed enemy?' They said: 'Our Lord we have wronged our own souls and if You forgive us not and bestow not upon us Your Mercy, we shall certainly be lost.'"

((۷:۱۹-۲۳

A careful look into the two accounts of the story of the Creation reveals some .essential differences

The Qur'an, contrary to the Bible, places equal blame on both Adam and Eve for their mistake. Nowhere in the Qur'an can one find even the slightest hint that Eve tempted Adam to eat from the tree or even that she had eaten before him. Eve in the Qur'an is no temptress, no seducer, and no deceiver. Moreover, Eve is not to be blamed for the pains of childbearing. God, according to the Qur'an, punishes no one

for another's faults. Both Adam and Eve committed a sin(١) and then asked God for .forgiveness and He forgave them both

Eve's Legacy

The image of Eve as temptress in the Bible has resulted in an extremely negative .impact on women throughout the Judaeo-Christian tradition

All women were believed to have inherited from their mother, the Biblical Eve, both her guilt and her guile. Consequently, they were all untrustworthy, morally inferior, and wicked. Menstruation, pregnancy, and childbearing were considered the just .punishment for the eternal guilt of the cursed female sex

In order to appreciate how negative the impact of the Biblical Eve was on all her female descendants we have to look at the writings of some of the most important Jews and Christians of all time. Let us start with the Old Testament and look at :excerpts from what is called the Wisdom Literature in which we find

I find more bitter than death the woman who is a snare, whose heart is a trap and" whose hands are chains. The man who pleases God will escape her, but the sinner she will ensnare....while I was still searching but not finding, I found one upright man .(among a thousand but not one upright woman among them all" (Ecclesiastes ٧:٢۶-٢٨

:In another part of the Hebrew literature which is found in the Catholic Bible we read

No wickedness comes anywhere near the wickedness of a woman.....Sin began with" a woman and thanks to her we all must die" (Ecclesiasticus

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Shi'ah Muslims do not subscribe to the belief that Adam and Eve committed a 'sin'. -١ They argue that Adam was a prophet and prophets do not sin. Furthermore Adam eating from the tree was before he was sent to the earth {where the 'Permissible Forbidden' (halal haram) and 'Obedience Disobedience' are applicable and possible}. .(For more information see http://www.al-islam.org/shiism/ [١٠] (Chapter ٧

.(۲۵:۱۹,۲۴

:Jewish Rabbis listed nine curses inflicted on women as a result of the Fall

To the woman He gave nine curses and death: the burden of the blood of" menstruation and the blood of virginity; the burden of pregnancy; the burden of childbirth; the burden of bringing up the children; her head is covered as one in mourning; she pierces her ear like a permanent slave or slave girl who serves her master; she is not to be believed as a witness; and after everything--death."(۱)

To the present day, orthodox Jewish men in their daily morning prayer recite "Blessed be God King of the universe that Thou has not made me a woman." The women, on the other hand, thank God every morning for "making me according to Thy will."(۲)

Another prayer found in many Jewish prayer books: "Praised be God that he has not created me a gentile. Praised be God that he has not created me a woman. Praised be God that he has not created me an ignoramus."(۳)

The Biblical Eve has played a far bigger role in Christianity than in Judaism. Her sin has been pivotal to the whole Christian faith because the Christian conception of the reason for the mission of Jesus Christ on Earth stems from Eve's disobedience to God. She had sinned and then seduced Adam to follow her suit. Consequently, God expelled .both of them from Heaven to Earth, which had been cursed because of them

They bequeathed their sin, which

۱- Leonard J. Swidler, Women in Judaism: The Status of Women in Formative Judaism (Metuchen, N.J.: Scarecrow Press, ۱۹۷۶), p. ۱۱۵

۲ - Thena Kendath, “Memories of an Ortodox Youth”, in Susannah Heschel ed, On Being a Jewish Feminist (New York: Schocken Books, ۱۹۸۳), pp. ۹۶-۹۷.

۳- Leonard J. Swidler, Women in Judaism: The Status of Women in Formative Judaism, op. cit., pp. ۸۰-۸۱.

had not been forgiven by God, to all their descendants and, thus, all humans are born in sin. In order to purify human beings from their 'original sin', God had to sacrifice Jesus, who is considered to be the Son of God, on the cross. Therefore, Eve is responsible for her own mistake, her husband's sin, the original sin of all humanity, and the death of the Son of God. In other words, one woman acting on her own (caused the fall of humanity.(١

What about her daughters? They are sinners like her and have to be treated as such. :Listen to the severe tone of St. Paul in the New Testament

A woman should learn in quietness and full submission. I don't permit a woman to" teach or to have authority over a man; she must be silent. For Adam was formed first, then Eve. And Adam was not the one deceived; it was the woman who was deceived .(and became a sinner" (I Timothy ٢:١١-١۴

St. Tertullian was even blunter than St. Paul, while he was talking to his 'best beloved :(sisters' in the faith, he said(٢

Do you not know that you are each an Eve? The sentence of God on this sex of yours" lives in this age: the guilt must of necessity live too. You are the Devil's gateway: You are the unsealer of the forbidden tree: You are the first deserter of the divine law: You are she who persuaded him whom the devil was

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١ - Rosemay R. Ruether, “Christianity”, in Arvind Sharma ed., Women in World .Religions (Albany: State University of New York Press, ١٩٨٧) p. ٢٠٩

٢ - For all the saying of the prominent Saints, see Karen Armstrong, The Gospels according to Woman (London, Elm Tree Books, ١٩٨۶) pp. ۵٢-۶٢. See also Nancy Van Vuuren, The Subversion of Women as Practiced by Churches, Witch-Hunters, and .Other Sexists (Philadelphia: Westminster Press) pp. ٢٨-٣٠

not valiant enough to attack. You destroyed so easily God's image, man. On account ".of your desert even the Son of God had to die

:St. Augustine was faithful to the legacy of his predecessors, he wrote to a friend

What is the difference whether it is in a wife or a mother, it is still Eve the temptress" that we must beware of in any woman......I fail to see what use woman can be to man, ".if one excludes the function of bearing children

:Centuries later, St. Thomas Aquinas still considered women as defective

As regards the individual nature, woman is defective and misbegotten, for the active" force in the male seed tends to the production of a perfect likeness in the masculine sex; while the production of woman comes from a defect in the active force or from ".some material indisposition, or even from some external influence

Finally, the renowned reformer Martin Luther could not see any benefit from a woman but bringing into the world as many children as possible regardless of any side :effects

If they become tired or even die, that does not matter. Let them die in childbirth," "that's why they are there

Again and again all women are denigrated because of the image of Eve the .temptress, thanks to the Genesis account

To sum up, the Judaeo-Christian conception of women has been poisoned by the .belief in the sinful nature of Eve and her female offspring

If we now turn our attention to what

the Qur’an has to say about women, we will soon realize that the Islamic conception of women is radically different from the Judaeo-Christian one. Let the Qur’an speak :for itself

For Muslim men and women, for believing men and women, for devout men and" women, for true men and women, for men and women who are patient, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise -- For them all has Allah prepared (forgiveness and great reward." (۳۳:۳۵

The believers, men and women, are protectors, one of another: they enjoin what is" just, and forbid what is evil, they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy: for Allah is (Exalted in power, Wise." (۹:۷۱

And their Lord answered them: Truly I will never cause to be lost the work of any of" (you, be you a male or female, you are members one of another." (۳:۱۹۵

Whoever works evil will not be requited but by the like thereof, and whoever works a" righteous deed - whether man or woman- and is a believer - such will enter the (Garden of bliss." (۴۰:۴۰

Whoever works righteousness, man or woman, and has faith, verily to him/her we" will give a new life that is good and pure, and we will

(bestow on such their reward according to the best of their actions." (۱۶:۹۷

It is clear that the Qur’anic view of women is no different than that of men. They, both, are God's creatures whose sublime goal on earth is to worship their Lord, do .righteous deeds, and avoid evil and they, both, will be assessed accordingly

The Qur’an never mentions that the woman is the devil's gateway or that she is a deceiver by nature. The Qur’an, also, never mentions that man is God's image; all men and all women are His creatures – that is all. According to the Qur’an, a woman's role on earth is not limited only to childbirth. She is required to do as many good deeds .as any other man is required to do

The Qur’an never says that no upright women have ever existed. To the contrary, the Qur’an has instructed all the believers, women as well as men, to follow the example :of those ideal women such as the Virgin Mary and the Pharaoh's wife

And Allah sets forth, As an example to those who believe, the wife of Pharaoh: Behold" she said: 'O my lord build for me, in nearness to you, a mansion in the Garden, and save me from Pharaoh and his doings and save me from those who do wrong.' And Mary the daughter of Imran who guarded her chastity and We breathed into her body of Our spirit; and she testified to the truth of the words

.(of her Lord and of His revelations and was one of the devout" (۶۶:۱۱-۱۳

Shameful Daughters

In fact, the difference between the Biblical and the Qur’anic attitude towards the female sex starts as soon as a female is born. For example, the Bible states that the :period of the mother's ritual impurity is twice as long if a girl is born than if a boy is

Tell the Israelites: When a woman has conceived and gives birth to a boy, she shall“ be unclean for seven days, with the same uncleanness as at her menstrual period. On the eighth day, the flesh of the boy's foreskin shall be circumcised, and then she shall spend thirty-three days more in becoming purified of her blood; she shall not touch anything sacred nor enter the sanctuary till the days of her purification are fulfilled. If she gives birth to a girl, for fourteen days she shall be as unclean as at her menstruation, after which she shall spend sixty-six days in becoming purified of her .(blood”. (Lev. ۱۲:۲-۵

:The Catholic Bible states explicitly that

(The birth of a daughter is a loss." (Ecclesiasticus ۲۲:۳“

:In contrast to this shocking statement, boys receive special praise

(A man who educates his son will be the envy of his enemy." (Ecclesiasticus ۳۰:۳"

Jewish Rabbis made it an obligation on Jewish men to produce offspring in order to propagate the race. At the same time, they did not hide their clear preference for :male children

It is well"

for those whose children are male but ill for those whose are female", "At the birth of a boy, all are joyful...at the birth of a girl all are sorrowful", and "When a boy comes ".into the world, peace comes into the world... When a girl comes, nothing comes

:A daughter is considered a painful burden, a potential source of shame to her father

Your daughter is headstrong? Keep a sharp look-out that she does not make you the " laughing stock of your enemies, the talk of the town, the object of common gossip, (and put you to public shame" (Ecclesiasticus ۴۲:۱۱

Keep a headstrong daughter under firm control, or she will abuse any indulgence she" receives. Keep a strict watch on her shameless eye, do not be surprised if she (disgraces you." (Ecclesiasticus ۲۶:۱۰-۱۱

It was this very same idea of treating daughters as sources of shame that led the pagan Arabs, before the advent of Islam, to practice female infanticide. The Qur'an :severely condemned this heinous practice

When news is brought to one of them of the birth of a female child, his face darkens" and he is filled with inward grief. With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on contempt or bury her in .(the dust? Ah! What an evil they decide on?" (۱۶:۵۸-۵۹

It has to be mentioned that this sinister crime would have never stopped in Arabia were it not for the

:power of the scathing terms the Qur’an used to condemn this practice

He hides himself from the people because of the evil of that which is announced to“ him. Shall he keep it with disgrace or bury it (alive) in the dust? Now surely evil is what (they judge”. (۱۶:۵۹

And when one of them is given news of that of which he sets up as a likeness for the“ (Beneficent Allah, his face becomes black and he is full of rage” (۴۳:۱۷

(And when the female infant buried alive is asked for what sin she was killed.” (۸۱:۸-۹“

The Qur’an, moreover, makes no distinction between boys and girls. In contrast to the Bible, the Qur’an considers the birth of a female as a gift and a blessing from God, the same as the birth of a male. The Qur’an even mentions the gift of the female birth :first

To Allah belongs the dominion of the heavens and the earth. He creates what He“ wills. He bestows female children to whomever He wills and bestows male children to (whomever He wills.” (۴۲:۴۹

In order to wipe out all the traces of female infanticide in the nascent Muslim society, Prophet Muhammad (S) promised those who were blessed with daughters of a great :reward if they would bring them up kindly

He who is involved in bringing up daughters, and accords benevolent treatment" .(towards them, they will be protection for him against Hell-Fire" (Bukhari and Muslim

Whoever maintains two girls till they attain maturity, he"

(and I will come on the Resurrection Day like this; and he joined his fingers." (Muslim

One who brings up three daughters or sisters and is patient in earning for their"" maintenance till the time they will be married (...) He and I will be in Paradise like this." ((Saying this, the Prophet (S) showed his index and middle fingers joined

And people asked him: "O Messenger of Allah, what if he brings up two of them "?{{daughters/sisters

".He (S) replied: "even if two

.What if a man brings up only one daughter?" people persisted"

Even if he brings up only one daughter or sister." replied the Messenger of Allah (S)."" ((Bihar al-Anwar, Vol. ۱۰۴, p.۹۹

?Female Education

The difference between the Biblical and the Qur'anic conceptions of women is not limited to the newly born female, it extends far beyond that. Let us compare their attitudes towards a female trying to learn her religion. The heart of Judaism is the Torah, the law. However, according to the Talmud, "women are exempt from the ".study of the Torah

Some Jewish Rabbis firmly declared, "Let the words of Torah rather be destroyed by fire than imparted to women" and "Whoever teaches his daughter Torah is as though (he taught her obscenity"(۱

:The attitude of St. Paul in the New Testament is not brighter

As in all the congregations of the saints, women should remain silent in the churches." They are not allowed to speak, but must be in submission as the law says. If they want to

.Denise L. Carmody, “Judaism”, in Arvind Sharma ed., op. cit., p. ١٩٧ -١

inquire about something, they should ask their own husbands at home; for it is (disgraceful for a woman to speak in the church." (I Corinthians ۱۴:۳۴-۳۵

How can a woman learn if she is not allowed to speak? How can a woman grow intellectually if she is obliged to be in a state of full submission? How can she broaden ?her horizons if her one and only source of information is her husband at home

Now, to be fair, we should ask: is the Qur'anic position any different? One short story narrated in the Qur'an sums its position up concisely. Khawlah was a Muslim woman whose husband Aws pronounced this statement at a moment of anger: "You are to me as the back of my mother." This was held by pagan Arabs to be a statement of divorce which freed the husband from any conjugal responsibility but did not leave .the wife free to leave the husband's home or to marry another man

Having heard these words from her husband, Khawlah was in a miserable situation. .She went straight to the Prophet of Islam (S) to plead her case

The Prophet (S) was of the opinion that she should be patient since there seemed to be no way out. Khawla kept arguing with the Prophet (S) in an attempt to save her suspended marriage. Shortly, the Qur'an intervened; Khawla's plea was accepted. .The divine verdict abolished this iniquitous custom

One full chapter (Chapter ۵۸) of the Qur'an whose title is

:Almujadilah" or "The woman who is arguing" was named after this incident"

Allah has heard and accepted the statement of the woman who pleads with you (the" Prophet) concerning her husband and carries her complaint to Allah, and Allah hears .(the arguments between both of you for Allah hears and sees all things…." (۵۸:۱

A woman in the Qur’anic conception has the right to argue even with the Prophet of Islam (S) himself. No one has the right to instruct her to be silent. She is under no obligation to consider her husband the one and only reference in matters of law and .religion

Unclean Impure Woman

Jewish laws and regulations concerning menstruating women are extremely restrictive. The Old Testament considers any menstruating woman as unclean and impure. Moreover, her impurity "infects" others as well. Anyone or anything she :touches becomes unclean for a day

When a woman has her regular flow of blood, the impurity of her monthly period will" last seven days and anyone who touches her will be unclean till evening. Anything she lies on during her period will be unclean, and anything she sits on will be unclean. Whoever touches her bed must wash his clothes and bathe with water, and he will be unclean till evening. Whoever touches anything she sits on must wash his clothes and bathe with water, and he will be unclean till evening. Whether it is the bed or anything she was sitting on, when anyone touches it, he will be unclean

.(till evening" (Lev. ١٥:١٩-٢٣

Due to her "contaminating" nature, a menstruating woman was sometimes "banished" in order to avoid any possibility of any contact with her. She was sent to a special house called "the house of uncleanness" for the whole period of her (impurity.(١

The Talmud considers a menstruating woman "fatal" even without any physical :contact

Our Rabbis taught: ... if a menstruating woman passes between two (men), if it is at" the beginning of her menses she will slay one of them, and if it is at the end of her (.menses she will cause strife between them" (b.Pes. ١١١a

Furthermore, the husband of a menstruating woman was forbidden to enter the synagogue if he had been made unclean by her even by the dust under her feet. A priest whose wife, daughter, or mother was menstruating could not recite priestly blessing in the synagogue(٢). No wonder many Jewish women still refer to (menstruation as "the curse."(٣

Islam does not consider a menstruating woman to possess any kind of "contagious ".uncleanness." She is neither "untouchable" nor "cursed

She practises her normal life with only one restriction: a married couple is not allowed to have sexual intercourse during the period of menstruation. Any other physical contact between them is permissible. A menstruating woman is exempted from some .rituals such as daily prayers and fasting during her period

Bearing Witness

Another issue in which the Qur’an and the Bible disagree is the issue of women bearing witness. It is

۱- Swinder, op. cit., p. ۱۳۷.

۲- Swinder, op. cit., p. ۱۳۸.

۳- Sally Priesand, Judaism and the New Woman (New York; Berham House Inc., ۱۹۷۵) p. ۲۴.

true that the Qur’an has instructed the believers dealing in financial transactions to :get two male witnesses or one male and two females

and call in to witness from among your men two witnesses; but if there are not two...“ men, then one man and two women from among those whom you choose to be witnesses, so that if one of the two errs, the second of the two may remind the .(other...” (٢:٢٨٢

However, it is also true that the Qur’an in other situations accepts the testimony of a woman as equal to that of a man. In fact the woman's testimony can even invalidate .the man's

If a man accuses his wife of unchastity, he is required by the Qur’an to solemnly swear five times as evidence of the wife's guilt. If the wife denies and swears similarly :five times, she is not considered guilty and in either case the marriage is dissolved

And (as for) those who accuse their wives and have no witnesses except themselves,“ the evidence of one of these (should be taken) four times, bearing Allah to witness that he is most surely of the truthful ones. And the fifth (time) that the curse of Allah be on him if he is one of the liars. And it shall avert the chastisement from her if she testify four times, bearing Allah to witness that he is most surely one of the liars; And the fifth (time) that the wrath of Allah be on her if he

is one of the truthful. And were it not for Allah's grace upon you and His mercy-- and that Allah is Oft-returning (to mercy), Wise! Surely they who concocted the lie are a party from among you. Do not regard it an evil to you; nay, it is good for you. Every man of them shall have what he has earned of sin; and (as for) him who took upon (himself the main part thereof, he shall have a grievous chastisement."(۲۴:۶-۱۱

On the other hand, women were not allowed to bear witness in early Jewish society.(۱) The Rabbis counted women's not being able to bear witness among the nine curses inflicted upon all women because of the Fall (see the "Eve's Legacy" section). Women in today's Israel are not allowed to give evidence in Rabbinical courts(۲). The Rabbis justify why women cannot bear witness by citing Genesis ۱۸:۹-۱۶, .where it is stated that Sara, Abraham's wife had lied

Where is your wife Sarah?" they asked him. "There in the tent," he replied. One of" them said, "I will surely return to you about this time next year, and Sarah will then have a son." Sarah was listening at the entrance of the tent, just behind him. Now Abraham and Sarah were old, advanced in years, and Sarah had stopped having her womanly periods. So Sarah laughed to herself and said, "Now that I am so withered "?and my husband is so old, am I still to have sexual pleasure

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.Swinder, op. cit., p. ۱۱۵ -۱

Lesley Hazelton, Israeli Women. The Reality Behind the Myths. (New York: Simon -۲ .and Schuster, ۱۹۷۷), p. ۴۱

But the LORD said to Abraham: "Why did Sarah laugh and say, 'Shall I really bear a child, old as I am?' Is anything too marvelous for the LORD to do? At the appointed time, about this time next year, I will return to you, and Sarah will have a son." Because she was afraid, Sarah dissembled, saying, "I didn't laugh." But he said, "Yes ”".you did

The Rabbis use this incident as evidence that women are unqualified to bear witness. It should be noted here that this story narrated in Genesis ۱۸:۹-۱۶ has been mentioned :more than once in the Qur'an without any hint of lies by Sara

And certainly Our messengers came to Ibrahim with good news. They said: Peace.“ Peace, said he, and he made no delay in bringing a roasted calf. But when he saw that their hands were not extended towards it, he deemed them strange and conceived fear of them. . They said: Fear not, surely we are sent to Lut's people. And his wife was standing (by), so she laughed, then We gave her the good news of Ishaq and after Ishaq of (a son's son) Yaqoub. She said: O wonder! shall I bear a son when I am an extremely old woman and this my husband an extremely old man? Most surely this is a wonderful thing. They said: Do you wonder at Allah's bidding? The mercy of Allah and His blessings are on you, O people of the house, surely

He is Praised, Glorious. So when fear had gone away from Ibrahim and good news came to him, he began to plead with Us for Lut's people". (۱۱:۶۹-۷۴)

"Has there come to you information about the honored guests of Ibrahim? When they entered upon him, they said: Peace. Peace, said he, a strange people. Then he turned aside to his family secretly and brought a fat (roasted) calf, so he brought it near them. He said: What! Will you not eat? So he conceived in his mind a fear on account of them. They said: Fear not. And they gave him the good news of a boy possessing knowledge. Then his wife came up in great grief, and she struck her face and said: An old barren woman! They said: Thus says your Lord: Surely He is the Wise, the Knowing." (۵۱:۲۴-۳۰).

In the Christian West, both ecclesiastical and civil law debarred women from giving testimony until late last century(۱).

If a man accuses his wife of unchastity, her testimony will not be considered at all according to the Bible. The accused wife has to be subjected to a trial by ordeal. In this trial, the wife faces a complex and humiliating ritual which was supposed to prove her guilt or innocence:

The LORD said to Moses, "Speak to the Israelites and tell them: If a man's wife goes astray and becomes unfaithful to him by having intercourse with another man, though her husband has not sufficient evidence of the

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۱- Matilda J. Gage, Woman, Church and State (New York: Truth Seeker Company, ۱۹۸۳) p. ۱۴۲.

fact, so that her impurity remains unproved for lack of a witness who might have caught her in the act; or if a man is overcome by a feeling of jealousy that makes him suspect his wife, whether she was actually impure or not: he shall bring his wife to the priest and shall take along as an offering for her a tenth of an ephah of barley meal. However, he shall not pour oil on it nor put frankincense over it, since it is a cereal offering of jealousy, a cereal offering for an appeal in a question of guilt. "The priest shall first have the woman come forward and stand before the LORD. In an earthen vessel he shall meanwhile put some holy water, as well as some dust that he has taken from the floor of the Dwelling. Then, as the woman stands before the LORD, the priest shall uncover her head and place in her hands the cereal offering of her appeal, that is, the cereal offering of jealousy, while he himself shall hold the bitter water that brings a curse. Then he shall adjure the woman, saying to her, 'If no other man has had intercourse with you, and you have not gone astray by impurity while under the authority of your husband, be immune to the curse brought by this bitter water. But if you have gone astray while under the authority of your husband and have acted impurely by letting a man other

than your husband have intercourse with you'-- so shall the priest adjure the woman with this oath of imprecation--'may the LORD make you an example of malediction and imprecation among your people by causing your thighs to waste away and your belly to swell! May this water, then, that brings a curse, enter your body to make your belly swell and your thighs waste away!' And the woman shall say, 'Amen, amen!' The priest shall put these imprecations in writing and shall then wash them off into the bitter water, which he is to have the woman drink, so that it may go into her with all its bitter curse. But first he shall take the cereal offering of jealousy from the woman's hand, and having waved this offering before the LORD, shall put it near the altar, where he shall take a handful of the cereal offering as its token offering and burn it on the altar. Only then shall he have the woman drink the water. Once she has done so, if she has been impure and unfaithful to her husband, this bitter water that brings a curse will go into her, and her belly will swell and her thighs will waste away, so that she will become an example of imprecation among her people. If, however, the woman has not defiled herself, but is still pure, she will be immune and will still be able to bear children. "This, then, is the law for jealousy: When a

woman goes astray while under the authority of her husband and acts impurely, or when such a feeling of jealousy comes over a man that he becomes suspicious of his wife, he shall have her stand before the LORD, and the priest shall apply this law in full to her. The man shall be free from guilt, but the woman shall bear such guilt as she (may have." (Num. ۵:۱۱-۳۱

If she is found guilty after this ordeal, she will be sentenced to death. If she is found .not guilty, her husband will be innocent of any wrongdoing

Besides, if a man takes a woman as a wife and then accuses her of not being a virgin, her own testimony will not count. Her parents had to bring evidence of her virginity before the elders of the town. If the parents could not prove the innocence of their daughter, she would be stoned to death on her father's doorsteps. If the parents were able to prove her innocence, the husband would only be fined one hundred :shekels of silver and he could not divorce his wife as long as he lived

If a man takes a wife and, after lying with her, dislikes her and slanders her and gives" her a bad name, saying, 'I married this woman, but when I approached her, I did not find proof of her virginity,' then the girl's father and mother shall bring proof that she was a virgin to the town elders

at the gate. The girl's father will say to the elders, 'I gave my daughter in marriage to this man, but he dislikes her. Now he has slandered her and said I did not find your daughter to be a virgin. But here is the proof of my daughter's virginity.' Then her parents shall display the cloth before the elders of the town, and the elders shall take the man and punish him. They shall fine him a hundred shekels of silver and give them to the girl's father, because this man has given an Israelite virgin a bad name. She shall continue to be his wife; he must not divorce her as long as he lives. If, however, the charge is true and no proof of the girl's virginity can be found, she shall be brought to the door of her father's house and there the men of the town shall stone her to death. She has done a disgraceful thing in Israel by being promiscuous while still in her (father's house. You must purge the evil from among you." (Deuteronomy ٢٢:١٣-٢١

Adultery

.Adultery is considered a sin in all religions

:The Bible decrees the death sentence for both the adulterer and the adulteress

If a man commits adultery with his neighbour's wife, both the adulterer and the“ (adulteress shall be put to death.” (Lev. ٢٠:١٠

:Islam also equally punishes both the adulterer and the adulteress

As for) the fornicatress and the fornicator, flog each of them, (giving) a hundred)“

stripes, and let not pity for them detain you in the matter of obedience to Allah, if you believe in Allah and the last day, and let a party of believers witness their (chastisement."(۲۴:۲

However, the Qur'anic definition of adultery is very different from the Biblical definition. Adultery, according to the Qur'an, is the involvement of a married man or a married woman in an extramarital affair. The Bible only considers the extramarital .affair of a married woman as adultery

If a man is found sleeping with another man's wife, both the man who slept with her" (and the woman must die. You must purge the evil from Israel" (Deuteronomy ۲۲:۲۲

If a man commits adultery with another man's wife both the adulterer and the" (adulteress must be put to death." (Leviticus ۲۰:۱۰

To keep you from your neighbour's wife, from the smooth tongue of the adulteress." Lust not in your heart after her beauty, let her not captivate you with her glance! For the price of a loose woman may be scarcely a loaf of bread, But if she is married, she is a trap for your precious life. Can a man take fire to his bosom, and his garments not burned? Or can a man walk on live coals, and his feet not be scorched? So with him who goes in to his neighbour's wife-- none who touches her shall go unpunished." ((Proverbs, ۶:۲۴-:۲۹

,According to the Biblical definition, if a married man sleeps with an unmarried woman

this is not considered a crime at all. The married man who has extramarital affairs with unmarried women is not an adulterer and the unmarried women involved with him are not adulteresses. The crime of adultery is committed only when a man, whether married or single, sleeps with a married woman. In this case the man is considered adulterer, even if he is not married, and the woman is considered adulteress. In short, adultery is any illicit sexual intercourse involving a married .woman. The extramarital affair of a married man is not per se a crime in the Bible

Why is the dual moral standard? According to Encyclopaedia Judaica, the wife was considered to be the husband's possession and adultery constituted a violation of the husband's exclusive right to her; the wife as the husband's possession had no such (right to him.(١

That is, if a man had sexual intercourse with a married woman, he would be violating the property of another man and, thus, he should be punished. To the present day in Israel, if a married man indulges in an extramarital affair with an unmarried woman, his children by that woman are considered legitimate. But, if a married woman has an affair with another man, whether married or not married, her children by that man are not only illegitimate but they are considered bastards and are forbidden to marry any other Jews except converts and other bastards. This ban is handed down to the children's descendants for ten

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١- Jeffrey H. Togay, “Adultery”, Encyclopaedia Judaica, Vol. II, col. ٣١٣. Also see Judith Laskow, Standing Again at Sinai: Judaism from a Feminist Perspective (New York: .Harper Row Publishers, ١٩٩٠) pp. ١٧٠-١٧٧

(generations until the taint of adultery is presumably weakened.(۱

The Qur’an, on the other hand, never considers any woman to be the possession of any man. The Qur’an eloquently describes the relationship between the spouses by :saying

And among His signs is that He created for you mates from among yourselves, that“ you may dwell in tranquillity with them and He has put love and mercy between your (hearts: verily in that are signs for those who reflect." (۳۰:۲۱

This is the Qur’anic conception of marriage: love, mercy, and tranquillity, not .possession and double standards

Vows

According to the Bible, a man must fulfil any vows he might make to God. He must not break his word. On the other hand, a woman's vow is not necessarily binding on her. It has to be approved by her father, if she is living in his house, or by her husband, if she is married. If a father/husband does not endorse his daughter's/wife's vows, all :pledges made by her become null and void

But if her father forbids her when he hears about it, none of her vows or the pledges" by which she obligated herself will stand ....Her husband may confirm or nullify any (vow she makes or any sworn pledge to deny herself." (Num. ۳۰:۲-۱۵

Why is it that a woman's word is not binding per se? The answer is simple: because she is owned by her father, before marriage, or by her husband after marriage. The father's control over

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.Swidler, op. cit. p. ۱۴۱ -۱

his daughter was absolute to the extent that, should he wish, he could sell her! It is indicated in the writings of the Rabbis that: "The man may sell his daughter, but the woman may not sell her daughter; the man may betroth his daughter, but the woman may not betroth her daughter."(١)

The Rabbinic literature also indicates that marriage represents the transfer of control from the father to the husband: "betrothal, making a woman the sacrosanct possession -- the inviolable property -- of the husband..." Obviously, if the woman is considered to be the property of someone else, she cannot make any pledges that her owner does not approve of.

It is of interest to note that this Biblical instruction concerning women's vows has had negative repercussions on Judaeo-Christian women till early in this century. A married woman in the Western world had no legal status. No act of hers was of any legal value. Her husband could repudiate any contract, bargain, or deal she had made. Women in the West (the largest heir of the Judaeo-Christian legacy) were held unable to make a binding contract because they were practically owned by someone else. Western women had suffered for almost two thousand years because of the Biblical attitude towards women's position vis-à-vis their fathers and husbands.(٢)

In Islam, the vow of every Muslim, male or female, is binding on him/her. No one has the power to repudiate the pledges of anyone else. Failure to keep a solemn oath,

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١- Swidler, op. cit. p. ١۴١.

٢- Gage, op. cit., p.١۴١

:made by a man or a woman, has to be expiated as indicated in the Qur’an

He [God] will call you to account for your deliberate oaths: for expiation, feed ten" indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. (That is the expiation for the oaths you have sworn. But keep your oaths." (۵:۸۹

Companions of the Prophet Muhammad (S), men and women, used to present their oath of allegiance to him personally. Women, as well as men, would independently :come to him and pledge their oaths

O Prophet! When believing women come to you to make a covenant with you that" they will not associate in worship anything with God, nor steal, nor fornicate, nor kill their own children, nor slander anyone, nor disobey you in any just matter, then make a covenant with them and pray to God for the forgiveness of their sins. Indeed God is (Forgiving and most Merciful." (۶۰:۱۲

A man could not swear the oath on behalf of his daughter or his wife. Nor could a man .repudiate the oath made by any of his female relatives

Wife's Property

The Jewish tradition regarding the husband’s role towards his wife stems from the (conception that he owns her as he owns his slave.(۱

This conception has been the reason behind the double standard in the laws of adultery and behind

p: ۳۲

.Louis M. Epstein, The Jewish Marriage Contract (New York: Arno Press, ۱۹۷۳) p. ۱۴۹ -۱

the husband’s ability to annul his wife’s vows. This conception has also been responsible for denying the wife any control over her property or her earnings. As soon as a Jewish woman got married, she completely lost any control over her property and earnings to her husband. Jewish Rabbis asserted the husband’s right to his wife’s property as a corollary of his possession of her: “Since one has come into the possession of the woman does it not follow that he should come into the possession of her property too?”, and “Since he has acquired the woman should he (not acquire also her property?”(۱)

Thus, marriage caused the richest woman to become practically penniless. The :Talmud describes the financial situation of a wife as follows

How can a woman have anything; whatever is hers belongs to her husband? What is“ his is his and what is hers is also his… Her earnings, and what she may find in the streets, are also his. The household articles, even the crumbs of bread on the table, are his. Should she invite a guest to her house and feed him, she would be stealing ”…from her husband

(San. ۷۱a, Git. ۶۲a)

The fact of the matter is that the property of a Jewish female was meant to attract suitors. A Jewish family would assign their daughter a share of her father’s estate to be used as a dowry in case of marriage. It was this dowry that made Jewish daughters an unwelcomed burden to their

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.Swidler, op. cit., p. ۱۴۲ -۱

fathers. The father had to raise his daughter for years and then prepare for her marriage by providing a large dowry. Thus, a girl in a Jewish family was a liability and no asset.(1)

This liability explains why the birth of a daughter was not celebrated with joy in the old Jewish society (see the "Shameful Daughters" section). The dowry was the wedding gift presented to the groom under terms of tenancy. The husband would act as the practical owner of the dowry but he could not sell it. The bride would lose any control over the dowry at the moment of marriage. Moreover, she was expected to work after marriage and all her earnings had to go to her husband in return for her maintenance which was his obligation. She could regain her property only in two cases: divorce or her husband's death. Should she die first, he would inherit her property. In the case of the husband's death, the wife could regain her pre-marital property but she was not entitled to inherit any share in her deceased husband's own property. It has to be added that the groom also had to present a marriage gift to his bride, yet again he was the practical owner of this gift as long as they were married.(2)

Christianity, until recently, has followed the same Jewish tradition. Both religious and civil authorities in the Christian Roman Empire (after Constantine) required a property agreement as a condition for recognizing the marriage. Families offered their daughters

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۱- Epstein, op. cit., pp. ۱۶۴-۱۶۵.

۲- Ibid., pp. ۱۱۲-۱۱۳. See also Priesand, op. cit., p. ۱۵.

increasing dowries and, as a result, men tended to marry earlier while families postponed their daughters' marriages until later than had been customary.(۱)

Under Canon law, a wife was entitled to restitution of her dowry if the marriage was annulled unless she was guilty of adultery. In this case, she forfeited her right to the dowry which remained in her husband's hands.(۲)

Under Canon and civil law a married woman in Christian Europe and America had lost her property rights until late nineteenth and early twentieth centuries. For example, women's rights under English law were compiled and published in ۱۶۳۲. These 'rights' included: "That which the husband hath is his own. That which the wife hath is the husband's."(۳)

The wife not only lost her property upon marriage, she lost her personality as well. No act of her was of legal value. Her husband could repudiate any sale or gift made by her as being of no binding legal value. The person with whom she had any contract was held as a criminal for participating in a fraud. Moreover, she could not sue or be sued in her own name, nor could she sue her own husband.(۴)

A married woman was practically treated as an infant in the eyes of the law. The wife simply belonged to her husband and therefore she lost her property, her legal personality, and her family name.(۵)

Islam, since the seventh century C.E., has granted married women the independent personality which the Judaeo-Christian West had deprived them until very recently.

۱- James A. Brundage, Law, Sex, and Christian Society in Medieval Europe (Chicago: University of Chicago Press, ۱۹۸۷) p. ۸۸.

۲- Ibid., p. ۴۸۰.

۳- R. Thompson, Women in Stuart England and America (London: Routledge Kegan Paul, ۱۹۷۴) p. ۱۶۲.

۴- Mary Murray, The Law of the Father (London: Routledge, ۱۹۹۵) p. ۶۷.

.Gage, op. cit., p. ۱۴۳ -۵

In Islam, the bride and her family are under no obligation whatsoever to present a gift .to the groom. The girl in a Muslim family is no liability

A woman is so dignified by Islam that she does not need to present gifts in order to attract potential husbands. It is the groom who must present the bride with a marriage gift. This gift is considered her property and neither the groom nor the bride's family have any share in or control over it. In some Muslim societies today, a (marriage gift of a hundred thousand dollars in diamonds is not unusual.(۱

The bride retains her marriage gifts even if she is later divorced. The husband is not allowed any share in his wife's property except what she offers him with her free (consent.(۲

:The Qur'an has stated its position on this issue quite clearly

And give the women (on marriage) their dower as a free gift; but if they, of their own" good pleasure, remit any part of it to you, take it and enjoy it with right good (cheer."(۴:۴

The wife's property and earnings are under her full control and for her use alone since (her, and the children's, maintenance is her husband's responsibility.(۳

No matter how rich the wife might be, she is not obliged to act as a co-provider for the family unless she herself voluntarily chooses to do so. Spouses do inherit from one another. Moreover, a married woman in Islam retains her independent legal personality and her

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۱ - For example, see Jeffrey Lang, Struggling to Surrender, (Beltsville, MD: Amana .Publications, ۱۹۹۴) p. ۱۶۷

۲ - Elsayyed Sabiq, Fiqh al Sunnah (Cairo: Darul Fatah lile'lam Al-Arabi, ۱۱th edition, .۱۹۹۴), vol. ۲, pp. ۲۱۸-۲۲۹

۳- Abdel-Haleem Abu Shuqqa, Tahreer al Mar'aa fi Asr al Risala (Kuwait: Dar al Qalam,

.۱۹۹۰) pp. ۱۰۹–۱۱۲

(family name.(1

An American judge once commented on the rights of Muslim women saying: "A Muslim girl may marry ten times, but her individuality is not absorbed by that of her various husbands. She is a solar planet with a name and legal personality of her own."(2)

The three religions share an unshakeable belief in the importance of marriage and family life. They also agree on the leadership of the husband over the family. Nevertheless, blatant differences do exist among the three religions with respect to the limits of this leadership. The Judaeo-Christian tradition, unlike Islam, virtually extends the leadership of the husband into ownership of his wife.

Divorce

The three religions have remarkable differences in their attitudes towards divorce. Christianity abhors divorce altogether. The New Testament unequivocally advocates the indissolubility of marriage. It is attributed to Jesus to have said,

"But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become adulteress, and anyone who marries the divorced woman commits adultery." (Matthew 5:32)

This uncompromising ideal is, without a doubt, unrealistic. It assumes a state of moral perfection that human societies have never achieved. When a couple realizes that their married life is beyond repair, a ban on divorce will not do them any good. Forcing ill-mated couples to remain together against their wills is neither effective nor reasonable. No wonder the whole Christian world has been obliged to sanction divorce.

Judaism, on the other hand, allows divorce even without any cause. The Old Testament gives

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1- Leila Badawi, "Islam", in Jean Holm and John Bowker, ed., Women in Religion

.(London: Pinter Publishers, ۱۹۹۴) p. ۱۰۲

۲- Amir H. Siddiqi, Studies in Islamic History (Karachi: Jamiyatul Falah Publications, ۳rd edition, ۱۹۶۷) p. ۱۳۸.

:the husband the right to divorce his wife even if he just dislikes her

If a man marries a woman who becomes displeasing to him because he finds" something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, and if after she leaves his house she becomes the wife of another man, and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, then her first husband, who divorced her, is not allowed to marry her again after she has been (defiled."(Deut. ۲۴:۱-۴

The above verses have caused considerable debate among Jewish scholars because of their disagreement over the interpretation of the words "displeasing", "indecency", :and "dislikes" mentioned in the verses. The Talmud records their different opinions

The school of Shammai held that a man should not divorce his wife unless he has" found her guilty of some sexual misconduct, while the school of Hillel say he may divorce her even if she has merely spoiled a dish for him. Rabbi Akiba says he may divorce her even if he simply finds another woman more beautiful than she."(Gittin ۹۰ (a-b

The New Testament follows the Shammaites opinion while Jewish law has followed the opinion of the Hillelites and R. Akiba(۱). Since the Hillelites view prevailed, it became the unbroken tradition of Jewish law to give the husband freedom to divorce his wife without any

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Epstein, op. cit., p. ۱۹۶ -۱

cause at all. The Old Testament not only gives the husband the right to divorce his :“displeasing” wife, it considers divorcing a “bad wife” an obligation

A bad wife brings humiliation, downcast looks, and a wounded heart. Slack of hand“ and weak of knee is the man whose wife fails to make him happy. Woman is the origin of sin, and it is through her that we all die. Do not leave a leaky cistern to drip or allow a bad wife to say what she likes. If she does not accept your control, divorce her and (send her away.”(Ecclesiasticus ۲۵:۲۵

The Talmud has recorded several specific actions by wives which obliged their :husbands to divorce them

If she ate in the street, if she drank greedily in the street, if she suckled in the street,“ (in every case Rabbi Meir says that she must leave her husband”(Git. ۸۹a

The Talmud has also made it mandatory to divorce a barren wife (who bore no :(children in a period of ten years

Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore“ (no child, he shall divorce her” (Yeb. ۶۴a

Wives, on the other hand, cannot initiate divorce under Jewish law. A Jewish wife, however, could claim the right to a divorce before a Jewish court provided that a strong reason exists. Very few grounds are provided for the wife to make a claim for a divorce. These grounds include: A husband with physical defects or skin

disease, a husband not fulfilling his conjugal responsibilities, etc. The Court might support the wife's claim to a divorce but it cannot dissolve the marriage.

Only the husband can dissolve the marriage by giving his wife a bill of divorce. The Court could scourge, fine, imprison, and excommunicate him to force him to deliver the necessary bill of divorce to his wife. However, if the husband is stubborn enough, he can refuse to grant his wife a divorce and keep her tied to him indefinitely. Worse still, he can desert her without granting her a divorce and leave her unmarried and undivorced. He can marry another woman or even live with any single woman out of wedlock and have children from her (these children are considered legitimate under Jewish law).

The deserted wife, on the other hand, cannot marry any other man since she is still legally married and she cannot live with any other man because she will be considered an adulteress and her children from this union will be illegitimate for ten generations. A woman in such a position is called an agunah (chained woman).(۱)

In the United States today there are approximately ۱۰۰۰ to ۱۵۰۰ Jewish women who are agunot (plural for agunah), while in Israel their number might be as high as ۱۶۰۰۰. Husbands may extort thousands of dollars from their trapped wives in exchange for a Jewish divorce.(۲)

Islam occupies the middle ground between Christianity and Judaism with respect to divorce. Marriage in Islam is a sanctified

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۱- Swidler, op. cit., pp. ۱۶۲-۱۶۳.

۲- The Toronto Star, Apr. ۸, ۱۹۹۵.

bond that should not be broken except for compelling reasons. Couples are instructed to pursue all possible remedies whenever their marriages are in danger. Divorce is not to be resorted to except when there is no other way out. In a nutshell, Islam recognizes divorce, yet it discourages it by all means.

Let us focus on the recognition side first. Islam does recognize the right of both partners to end their matrimonial relationship. Islam gives the husband the right for Talaq (divorce). Moreover, Islam, unlike Judaism, grants the wife the right to dissolve the marriage through what is known as Khula'.(١)

If the husband dissolves the marriage by divorcing his wife, he cannot retrieve any of the marriage gifts he has given her. The Qur'an explicitly prohibits the divorcing husbands from taking back their marriage gifts no matter how expensive or valuable these gifts might be:

"But if you decide to take one wife in place of another, even if you had given the latter a whole treasure for dower, take not the least bit of it back; would you take it by slander and a manifest wrong?" (۴:۲۰)

In the case of the wife choosing to end the marriage, she may return the marriage gifts to her husband. Returning the marriage gifts in this case is a fair compensation for the husband who is keen to keep his wife while she chooses to leave him. The Qur'an has instructed Muslim men not to take back any of the gifts they have given

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١- Sabiq, op. cit., pp. ۳۱۸-۳۲۹. See also Muhammad al Ghazali, Qadaya al Mar'aa bin al Taqaleed al Rakida wal Wafida (Cairo: Dar al Shorooq, ۴th edition, ۱۹۹۲) pp. ۱۷۸-۱۸۰.

:to their wives except in the case of the wife choosing to dissolve the marriage

It is not lawful for you (Men) to take back any of your gifts except when both parties" fear that they would be unable to keep the limits ordained by Allah. There is no blame on either of them if she gives something for her freedom. These are the limits (ordained by Allah so do not transgress them." (۲:۲۲۹

Let us now focus our attention on how Islam discourages divorce. The Prophet of :Islam told the believers that

(Among all the permitted acts, divorce is the most hateful to God" (Abu Dawood"

A Muslim man should not divorce his wife just because he dislikes her. The Qur'an instructs Muslim men to be kind to their wives even in cases of lukewarm emotions or :feelings of dislike

Live with them (your wives) on a footing of kindness and equity. If you dislike them it" (may be that you dislike something in which Allah has placed a great deal of good."(۴:۱۹

The Prophet has also emphasized that the best Muslims are those who are best to :their wives

The believers who show the most perfect faith are those who have the best" (character and the best of you are those who are best to their wives."(Tirmidhi

However, Islam is a practical religion and it does recognize that there are circumstances in which a marriage comes to the verge of collapsing. In such cases, a mere advice of kindness or self restraint

?is no viable solution. So, what to do in order to save a marriage in these cases

The Qur'an offers some practical advice for the spouse (husband or wife) whose partner (wife or husband) is the wrongdoer. For the husband whose wife's ill-conduct is threatening the marriage, the Qur'an gives four types of advice as detailed in the :following verses

,As to those women on whose part you fear disloyalty and ill-conduct"

,Admonish them (۱)

,refuse to share their beds (۲)

beat them; but if they return to obedience seek not against them means of (۳) .annoyance: For Allah is Most High, Great

If you fear a break between them, appoint two arbiters, one from his family and (۴) ".the other from hers; If they wish for peace, Allah will cause their reconciliation

(۴:۳۴-۳۵)

The first three are to be tried first. If they fail, then the help of the families concerned should be sought. It has to be noted, in the light of the above verses, that beating the rebellious wife is a temporary measure that is resorted to as third in line in cases of (extreme necessity in hopes that it might remedy the wrongdoing of the wife.(۱

If it does, the husband is not allowed by any means to continue any annoyance to the wife as explicitly mentioned in the verse. If it does not, the husband is still not allowed to use this measure any longer and the final avenue of the family-assisted .reconciliation has to be explored

Prophet Muhammad (S) has

۱- There is a strict limit to this. Refer to books of jurisprudence for further details.

instructed Muslim husbands that they should not have recourse to these measures except in extreme cases such as open lewdness committed by the wife.

It has to be noted that the Talmud sanctions wife beating as chastisement for the purpose of discipline.(۱)

The husband is not restricted to the extreme cases such as those of open lewdness. He is allowed to beat his wife even if she just refuses to do her house work. Moreover, he is not limited only to the use of light punishment. He is permitted to break his wife's stubbornness by the lash or by starving her.(۲)

For the wife whose husband's ill-conduct is the cause for the marriage's near collapse, the Qur'an offers the following advice:

"If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best." (۴:۱۲۸)

Mothers

The Old Testament in several places commands kind and considerate treatment of the parents and condemns those who dishonor them. For example,

"If anyone curses his father or mother, he must be put to death."(Lev. ۲۰:۹)

And

"A wise man brings joy to his father but a foolish man despises his mother."(Proverbs ۱۵:۲۰).

Although honoring the father alone is mentioned in some places, e.g.

"A wise man heeds his father's instruction."(Proverbs ۱۳:۱)

The mother alone is never mentioned. Moreover, there is no special emphasis on treating the mother kindly as a sign of appreciation of her great suffering in childbearing and suckling. Besides, mothers

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۱- Epstein, op. cit., p. ۲۱۹.

۲- Ibid, pp ۱۵۶-۱۵۷.

(do not inherit at all from their children while fathers do.(1)

It is difficult to speak of the New Testament as a scripture that calls for honoring the mother. On the contrary, one gets the impression that the New Testament considers kind treatment of mothers as an impediment on the way to God. According to the New Testament, one cannot become a good Christian worthy of becoming a disciple of Christ unless he hates his mother. It is attributed to Jesus to have said:

"If anyone comes to me and does not hate his father and mother, his wife and children, his brothers and sisters -- yes, even his own life -- he cannot be my disciple." (Luke ۱۴:۲۶)

Furthermore, the New Testament depicts a picture of Jesus as indifferent to, or even disrespectful of, his own mother. For example, when she had come looking for him while he was preaching to a crowd, he did not care to go out to see her:

"Then Jesus' mother and brothers arrived. Standing outside, they sent someone to call him. A crowd was sitting around him and they told him, 'Your mother and brothers are outside looking for you.' 'Who are my mother and my brothers?' he asked. Then he looked at those seated in a circle around him and said, 'Here are my mother and my brothers! Whoever does God's will is my brother and sister and mother.'" (Mark ۳:۳۱-۳۵)

One might argue that Jesus was trying to teach his audience an important lesson that religious

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۱- Epstein, op. cit., p. ۱۲۲

ties are no less important than family ties. However, he could have taught his listeners the same lesson without showing such absolute indifference to his mother. The same disrespectful attitude is depicted when he refused to endorse a statement made by a member of his audience blessing his mother’s role in giving birth to him and nursing :him

As Jesus was saying these things, a woman in the crowd called out, ‘Blessed is the“ mother who gave you birth and nursed you.’ He replied, ‘Blessed rather are those (who hear the word of God and obey it.’” (Luke ۱۱:۲۷-۲۸

If a mother with the stature of the Virgin Mary had been treated with such discourtesy, as depicted in the New Testament, by a son of the stature of Jesus Christ, then how should an average Christian mother be treated by her average ?Christian sons

In Islam, the honor, respect, and esteem attached to motherhood is unparalleled. The Qur’an places the importance of kindness to parents as second only to worshipping :God Almighty

Your Lord has decreed that you worship none but Him, And that you be kind to“ parents. Whether one or both of them attain old age in your life, Say not to them a word of contempt, nor repel them, but address them in terms of honor. And out of kindness, lower to them the wing of humility, and say: ‘My Lord! Bestow on them Your (Mercy as they cherished me in childhood.’” (۱۷:۲۳-۲۴

The Qur’an in several other

:places puts special emphasis on the mother's great role in giving birth and nursing

And We have enjoined on man to be good to his parents: In travail upon travail did his" mother bear him and in two years was his weaning. Show gratitude to Me and to your (parents." (۳۱:۱۴

The very special place of mothers in Islam has been eloquently described by Prophet :(Muhammad (S

A man asked the Prophet: 'Whom should I honor most?' The Prophet replied: 'Your" mother'. 'And who comes next?' asked the man. The Prophet replied: 'Your mother'. 'And who comes next?' asked the man. The Prophet replied: 'Your mother!'. 'And who .(comes next?' asked the man. The Prophet replied: 'Your father'" (Bukhari and Muslim

Among the few precepts of Islam which Muslims still faithfully observe to the present day is the considerate treatment of mothers. The honor that Muslim mothers receive from their sons and daughters is exemplary. The intensely warm relations between Muslim mothers and their children and the deep respect with which Muslim men (approach their mothers usually amaze Westerners.(۱

Female Inheritance

One of the most important differences between the Qur'an and the Bible is their attitude towards female inheritance of the property of a deceased relative. The :Biblical attitude has been succinctly described by Rabbi Epstein

The continuous and unbroken tradition since the Biblical days gives the female" members of the household, wife and daughters, no right of succession to the family estate. In the more primitive scheme of succession, the female members

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.Armstrong, op. cit., p. ۸ -۱

of the family were considered part of the estate and as remote from the legal personality of an heir as the slave. Whereas by Mosaic enactment the daughters were admitted to succession in the event of no male issue remained, the wife was not (recognized as heir even in such conditions."(١

Why were the female members of the family considered part of the family estate? Rabbi Epstein has the answer: "They are owned --before marriage, by the father; (after marriage, by the husband."(٢

The Biblical rules of inheritance are outlined in Numbers ٢٧:١-١١. A wife is given no share in her husband's estate, while he is her first heir, even before her sons. A daughter can inherit only if no male heirs exist. A mother is not an heir at all while the father is. Widows and daughters, in case male children remained, were at the mercy of the male heirs for provision. That is why widows and orphan girls were among the .most destitute members of the Jewish society

Christianity has followed suit for a long time. Both the ecclesiastical and civil laws of Christendom barred daughters from sharing with their brothers their patrimony. Besides, wives were deprived of any inheritance rights. These iniquitous laws (survived till late in the last century.(٣

Among the pagan Arabs before Islam, inheritance rights were confined exclusively to the male relatives. The Qur'an abolished all these unjust customs and gave all the :female relatives inheritance shares

From what is left by parents and those nearest"

.Epstein, op. cit., p. ١٧۵ -١

.Ibid., p. ١٢١ -٢

.Gage, op. cit., p. ١۴٢ -٣

related there is a share for men and a share for women, whether the property be (small or large --a determinate share."(۴:۷

Muslim mothers, wives, daughters, and sisters had received inheritance rights thirteen hundred years before Europe recognized that these rights even existed. The division of inheritance is a vast subject with an enormous amount of details .((۴:۷,۱۱,۱۲,۱۷۶

The general rule is that the female share is half the male's except the cases in which the mother receives equal share to that of the father. This general rule if taken in isolation from other legislations concerning men and women may seem unfair. In order to understand the rationale behind this rule, one must take into account the fact that the financial obligations of men in Islam far exceed those of women (see the .("Wife's property" section

A bridegroom must provide his bride with a marriage gift. This gift becomes her exclusive property and remains so even if she is later divorced. The bride is under no obligation to present any gifts to her groom. Moreover, the Muslim husband is charged with the maintenance of his wife and children. The wife, on the other hand, is not obliged to help him in this regard. Her property and earnings are for her use alone except what she may voluntarily offer her husband. Besides, one has to realize that Islam vehemently advocates family life. It strongly encourages youth to get married, .discourages divorce, and does not regard celibacy as a virtue

Therefore, in a

truly Islamic society, family life is the norm and single life is the rare exception. That is, almost all marriage-aged women and men are married in an Islamic society. In light of these facts, one would appreciate that Muslim men, in general, have greater financial burdens than Muslim women and thus inheritance rules are meant to offset this imbalance so that the society lives free of all gender or class wars. After a simple comparison between the financial rights and duties of Muslim women, one British Muslim woman has concluded that Islam has treated women not only fairly but (generously.(١

Plight of Widows

Because of the fact that the Old Testament recognized no inheritance rights to them, widows were among the most vulnerable of the Jewish population. The male relatives who inherited all of a woman's deceased husband's estate were to provide for her from that estate. However, widows had no way to ensure this provision was carried out, and lived on the mercy of others. Therefore, widows were among the lowest classes in ancient Israel and widowhood was considered a symbol of great .(degradation (Isaiah ۵۴:۴

But the plight of a widow in the Biblical tradition extended even beyond her exclusion from her husband's property. According to Genesis ۳۸, a childless widow must marry her husband's brother, even if he is already married, so that he can produce offspring .for his dead brother, thus ensuring his brother's name will not die out

Then Judah said to Onan, 'Lie with your brother's wife"

B. Aisha Lemu and Fatima Heeren, Woman in Islam (London: Islamic Foundation, -١ .١٩٧٨) p. ٢٣

and fulfill your duty to her as a brother-in-law to produce offspring for your (brother.'" (Genesis ۳۸:۸

The widow's consent to this marriage is not required. The widow is treated as part of her deceased husband's property whose main function is to ensure her husband's (posterity. This Biblical law is still practiced in today's Israel.(۱

A childless widow in Israel is bequeathed to her husband's brother. If the brother is too young to marry, she has to wait until he comes of age. Should the deceased husband's brother refuse to marry her, she is set free and can then marry any man of her choice. It is not an uncommon phenomenon in Israel that widows are subjected to .blackmail by their brothers-in-law in order to gain their freedom

The pagan Arabs before Islam had similar practices. A widow was considered a part of her husband's property to be inherited by his male heirs and she was, usually, given in marriage to the deceased man's eldest son from another wife. The Qur'an :scathingly attacked and abolished this degrading custom

And marry not women whom your fathers married--Except what is past-- it was" (shameful, odious, and abominable custom indeed." (۴:۲۲

Widows and divorced women were so looked down upon in the Biblical tradition that :the high priest could not marry a widow, a divorced woman, or a prostitute

The woman he (the high priest) marries must be a virgin. He must not marry a widow," a divorced woman, or a woman defiled by prostitution, but only a

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.Hazleton, op. cit., pp. ۴۵-۴۶ -۱

virgin from his own people, so he will not defile his offspring among his people."(Lev. ۲۱:۱۳-۱۵)

In Israel today, a descendant of the Cohen caste (the high priests of the days of the Temple) cannot marry a divorcee, a widow, or a prostitute.(۱)

In the Jewish legislation, a woman who has been widowed three times with all the three husbands dying of natural causes is considered 'fatal' and forbidden to marry again.(۲)

The Qur'an, on the other hand, recognizes neither castes nor fatal persons. Widows and divorcees have the freedom to marry whomever they choose. There is no stigma attached to divorce or widowhood in the Qur'an:

"When you divorce women and they fulfil their terms [three menstruation periods] either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them or to take undue advantage, if anyone does that, he wrongs his own soul. Do not treat Allah's signs as a jest."(۲:۲۳۱)

"If any of you die and leave widows behind, they shall wait four months and ten days. When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just manner."(۲:۲۳۴)

"Those of you who die and leave widows should bequeath for their widows a year's maintenance and residence. But if they [the widows] leave (the residence) there is no blame on you for what they justly do with themselves."(۲:۲۴۰)

Polygamy

Let us now tackle the important question of polygamy. Polygamy is a

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۱- Ibid., p. ۴۷.

۲- Ibid., p. ۴۹.

very ancient practice found in many human societies. The Bible did not condemn polygamy. To the contrary, the Old Testament and Rabbinic writings frequently attest to the legality of polygamy. King Solomon is said to have had ۷۰۰ wives and ۳۰۰ (concubines (۱ Kings ۱۱:۳

Also, King David is said to have had many wives and concubines (۲ Samuel ۵:۱۳). The Old Testament does have some injunctions on how to distribute the property of a man among his sons from different wives (Deut. ۲۲:۷). The only restriction on polygamy is a ban on taking a wife's sister as a rival wife (Lev. ۱۸:۱۸). The Talmud (advises a maximum of four wives.(۱

European Jews continued to practice polygamy until the sixteenth century. Oriental Jews regularly practiced polygamy until they arrived in Israel where it is forbidden under civil law. However, under religious law which overrides civil law in such cases, it (is permissible.(۲

What about the New Testament? According to Father Eugene Hillman in his insightful book, 'Polygamy Reconsidered', "Nowhere in the New Testament is there any explicit commandment that marriage should be monogamous or any explicit commandment (forbidding polygamy."(۳

Moreover, Jesus has not spoken against polygamy though it was practiced by the Jews of his society. Father Hillman stresses the fact that the Church in Rome banned polygamy in order to conform to the Greco-Roman culture (which prescribed only one legal wife while tolerating concubinage and prostitution). He cited St. Augustine, "Now indeed in our time, and in keeping with Roman custom, it

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۱- Swidler, op. cit., pp. ۱۴۴-۱۴۸.

۲- Hazleton, op. cit., pp ۴۴-۴۵.

۳- Eugene Hillman, Polygamy Reconsidered: African Plural Marriage and the Christian Churches (New York: Orbis Books, ۱۹۷۵) p. ۱۴۰.

(is no longer allowed to take another wife."(1

African churches and African Christians often remind their European brothers that the Church's ban on polygamy is a cultural tradition and not an authentic Christian .injunction

:The Qur'an, too, allowed polygamy, but not without restrictions

If you fear that you shall not be able to deal justly with the orphans, marry women of" your choice, two or three or four; but if you fear that you shall not be able to deal (justly with them, then only one."(4:3

The Qur'an, contrary to the Bible, limited the maximum number of wives to four under the strict condition of treating the wives equally and justly. It should not be understood that the Qur'an is exhorting the believers to practice polygamy, or that polygamy is considered as an ideal. In other words, the Qur'an has "tolerated" or ?"allowed" polygamy and no more but, why? Why is polygamy permissible

The answer is simple: there are places and times in which there are compelling social and moral reasons for polygamy. As the above Qur'anic verse indicates, the issue of polygamy in Islam cannot be understood apart from community obligations towards orphans and widows. Islam as a universal religion suitable for all places and all times .could not ignore these compelling obligations

In most human societies, females outnumber males. In the U.S. there are, at least, eight million more women than men. In a country like Guinea there are 122 females for every 100 males. In Tanzania, there are 95.1 males

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.Ibid., p. 17 -1

.(per ١٠٠ females(١

What should a society do towards such unbalanced sex ratios? There are various solutions, some might suggest celibacy, and others would prefer female infanticide (!(which does happen in some societies in the world today

Others may think the only outlet is that the society should tolerate all manners of sexual permissiveness: prostitution, sex out of wedlock, homosexuality, etc. For other societies, like most African societies today, the most honorable outlet is to allow polygamous marriage as a culturally accepted and socially respected institution. The point that is often misunderstood in the West is that women in other cultures do not necessarily look at polygamy as a sign of women's degradation. For example, many young African brides, whether Christians or Muslims or otherwise, would prefer to marry a married man who has already proved himself to be a responsible husband. Many African wives urge their husbands to get a second wife so that they do not feel (lonely.(٢

A survey of over six thousand women, ranging in age from ١٥ to ٥٩, conducted in the second largest city in Nigeria showed that ٦٠ percent of these women would be pleased if their husbands took another wife. Only ٢٣ percent expressed anger at the idea of sharing with another wife. Seventy-six percent of the women in a survey conducted in Kenya viewed polygamy positively. In a survey undertaken in rural Kenya, ٢٥ out of ٢٧ women considered polygamy to be better than monogamy. These women felt polygamy can be a happy and

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.Ibid., pp. ٨٨-٩٣ -١

.Ibid., pp. ٩٢-٩٧ -٢

(beneficial experience if the co-wives cooperate with each other.(١)

Polygamy in most African societies is such a respectable institution that some Protestant churches are becoming more tolerant of it. A bishop of the Anglican Church in Kenya declared that, "Although monogamy may be ideal for the expression of love between husband and wife, the church should consider that in certain cultures polygyny is socially acceptable and that the belief that polygyny is contrary to (Christianity is no longer tenable."(٢)

After a careful study of African polygamy, Reverend David Gitari of the Anglican Church has concluded that polygamy, as ideally practiced, is more Christian than (divorce and remarriage as far as the abandoned wives and children are concerned.(٣)

I personally know of some highly educated African wives who, despite having lived in the West for many years, do not have any objections against polygamy. One of them, who lives in the U.S., solemnly exhorts her husband to get a second wife to help her in .raising the kids

The problem of the unbalanced sex ratios becomes truly problematic at times of war. Native American Indian tribes used to suffer highly unbalanced sex ratios after wartime losses. Women in these tribes, who in fact enjoyed a fairly high status, accepted polygamy as the best protection against indulgence in indecent activities. European settlers, without offering any other alternative, condemned this Indian (polygamy as 'uncivilised'.(۴)

After the Second World War, there were ٧,٣٠٠,٠٠٠ more women than men in Germany (٣.٣ million of them were widows). There were ١٠٠

Philip L. Kilbride, Plural Marriage For Our Times (Westport, Conn.: Bergin Garvey, -١ .١٩٩۴) pp. ١٠٨-١٠٩

.The Weekly Review, Aug. ١, ١٩٨٧ -٢

.Kilbride, op. cit., p. ١٢۶ -٣

۴- John D’Emilio and Estelle B. Freedman, Intimate Matters: A history of Sexuality in America (New York: Harper Row Publishers, ۱۹۸۸) p. ۸۷.

(men aged ۲۰ to ۳۰ for every ۱۶۷ women in that age group.(۱

Many of these women needed a man not only as a companion but also as a provider for the household in a time of unprecedented misery and hardship. The soldiers of the victorious Allied Armies exploited these women's vulnerability. Many young girls and widows had liaisons with members of the occupying forces. Many American and British soldiers paid for their pleasures in cigarettes, chocolate, and bread. Children were overjoyed at the gifts these strangers brought. A ۱۰ year old boy on hearing of such gifts from other children wished from all his heart for an 'Englishman' for his (mother so that she need not go hungry any longer.(۲

We have to ask our own conscience at this point: What is more dignifying to a woman? – An accepted and respected second wife as in the native Indians' approach, or a virtual prostitute as in the 'civilised' Allies approach? In other words, what is more dignifying to a woman – the Qur'anic prescription or the theology based on the culture ?of the Roman Empire

It is interesting to note that in an international youth conference held in Munich in ۱۹۴۸ the problem of the highly unbalanced sex ratio in Germany was discussed. When it became clear that no solution could be agreed upon, some participants suggested polygamy. The initial reaction of the gathering was a mixture of shock and disgust. However, after a careful study of the proposal, the participants

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۱ – Ute Frevert, Women in German History: from Bourgeois Emancipation to Sexual .Liberation (New York: Berg Publishers, ۱۹۸۸) pp. ۲۶۳-۲۶۴

۲ – .Ibid., pp. ۲۵۷-۲۵۸

agreed that it was the only possible solution. Consequently, polygamy was included among the conference final recommendations.(1)

The world today possesses more weapons of mass destruction than ever before and the European churches might, sooner or later, be obliged to accept polygamy as the only way out. Father Hillman has thoughtfully recognized this fact, "It is quite conceivable that these genocidal techniques (nuclear, biological, chemical) could produce so drastic an imbalance among the sexes that plural marriage would become a necessary means of survival....Then contrary to previous custom and law, an overriding natural and moral inclination might arise in favour of polygamy. In such a situation, theologians and church leaders would quickly produce weighty reasons and biblical texts to justify a new conception of marriage."(2)

To the present day, polygamy continues to be a viable solution to some of the social ills of modern societies. The communal obligations that the Qur'an mentions in association with the permission of polygamy are more visible at present in some Western societies than in Africa. For example, In the United States today, there is a severe gender crisis in the black community. One out of every twenty young black males may die before reaching the age of ۲۱. For those between ۲۰ and ۳۵ years of age, homicide is the leading cause of death.(3)

Besides, many young black males are unemployed, in jail, or on dope.(4)

As a result, one in four black women, at age ۴۰, has never married, as compared with one in ten white

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۱- Sabiq, op. cit., p. ۱۹۱.

۲- Hillman, op. cit., p. ۱۲.

۳- Nathan Hare and Julie Hare, ed., Crisis in Black Sexual Politics (San Francisco: Black Think Tank, ۱۹۸۹) p. ۲۵.

۴- Ibid., p. ۲۶.

(women.(۱

Moreover, many young black females become single mothers before the age of ۲۰ and find themselves in need of providers. The end result of these tragic circumstances is that an increasing number of black women are engaged in what is (called 'man-sharing'.(۲

That is, many of these hapless single black women are involved in affairs with married men. The wives are often unaware of the fact that other women are 'sharing' their husbands with them. Some observers of the crisis of man-sharing in the African American community strongly recommend consensual polygamy as a temporary answer to the shortage of black males until more comprehensive reforms in the (American society at large are undertaken.(۳

By consensual polygamy they mean a polygamy that is sanctioned by the community and to which all the parties involved have agreed, as opposed to the usually secret man-sharing which is detrimental both to the wife and to the community in general. The problem of man-sharing in the African American community was the topic of a (panel discussion held at Temple University in Philadelphia on January ۲۷, ۱۹۹۳.(۴

Some of the speakers recommended polygamy as one potential remedy for the crisis. They also suggested that polygamy should not be banned by law, particularly in a society that tolerates prostitution and mistresses. The comment of one woman from the audience that African Americans needed to learn from Africa where polygamy .was responsibly practiced elicited enthusiastic applause

Philip Kilbride, an American anthropologist of Roman Catholic heritage, in his provocative book, 'Plural marriage

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.Kilbride, op. cit., p. ۹۴ -۱

.Ibid., p. ۹۵ -۲

.Ibid., p. ۹۵ -۳

.Ibid., pp. ۹۵-۹۹ -۴

for our time', proposes polygamy as a solution to some of the ills of the American society at large. He argues that plural marriage may serve as a potential alternative for divorce in many cases in order to obviate the damaging impact of divorce on many children. He maintains that many divorces are caused by the rampant extramarital .affairs in the American society

According to Kilbride, ending an extramarital affair in a polygamous marriage, rather than in a divorce, is better for the children, "Children would be better served if family augmentation rather than only separation and dissolution were seen as options." Moreover, he suggests that other groups will also benefit from plural marriage such as: elderly women who face a chronic shortage of men and the African Americans (who are involved in man-sharing.(١

In ١٩٨٧, a poll conducted by the student newspaper at the University of California at Berkeley asked the students whether they agreed that men should be allowed by law to have more than one wife in response to a perceived shortage of male marriage candidates in California. Almost all of the students polled approved of the idea. One female student even stated that a polygamous marriage would fulfil her emotional (and physical needs while giving her greater freedom than a monogamous union.(٢

In fact, this same argument is also used by the few remaining fundamentalist Mormon women who still practice polygamy in the U.S. They believe that polygamy is an ideal way for a woman to have both

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.Ibid., p. ١١٨ -١

.Lang, op. cit., p. ١٧٢ -٢

a career and children since the wives help each other care for the children.(۱)

It has to be added that polygamy in Islam is a matter of mutual consent. No one can force a woman to marry a married man. Besides, the wife has the right to stipulate that her husband must not marry any other woman as a second wife.(۲)

The Bible, on the other hand, sometimes resorts to forcible polygamy. A childless widow must marry her husband's brother, even if he is already married (see the "Plight of Widows" section), regardless of her consent (Genesis ۳۸:۸-۱۰).

It should be noted that in many Muslim societies today the practice of polygamy is rare since the gap between the numbers of both sexes is not huge. One can, safely, say that the rate of polygamous marriages in the Muslim world is much less than the rate of extramarital affairs in the West. In other words, men in the Muslim world today are far more strictly monogamous than men in the Western world.

Billy Graham, the eminent Christian evangelist has recognized this fact: "Christianity cannot compromise on the question of polygamy. If present-day Christianity cannot do so, it is to its own detriment. Islam has permitted polygamy as a solution to social ills and has allowed a certain degree of latitude to human nature but only within the strictly defined framework of the law. Christian countries make a great show of monogamy, but actually they practice polygamy. No one is unaware of the

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۱- Kilbride, op. cit., pp. ۷۲-۷۳.

۲- Sabiq, op. cit., pp. ۱۸۷-۱۸۸.

part mistresses play in Western society. In this respect Islam is a fundamentally honest religion, and permits a Muslim to marry a second wife if he must, but strictly forbids all clandestine amatory associations in order to safeguard the moral probity of (the community."(۱)

It is of interest to note that many, non-Muslim as well as Muslim, countries in the world today have outlawed polygamy. Taking a second wife, even with the free consent of the first wife, is a violation of the law. On the other hand, cheating on the wife, without her knowledge or consent, is perfectly legitimate as far as the law is concerned! What is the legal wisdom behind such a contradiction? Is the law designed to reward deception and punish honesty? It is one of the unfathomable paradoxes of .our modern 'civilised' world

The Veil

Finally, let us shed some light on what is considered in the West as the greatest symbol of women's oppression and servitude, the veil or the head cover. Is it true that there is no such thing as the veil in the Judaeo-Christian tradition? Let us set the record straight. According to Rabbi Dr. Menachem M. Brayer (Professor of Biblical Literature at Yeshiva University) in his book, 'The Jewish woman in Rabbinic literature,' it was the custom of Jewish women to go out in public with a head covering (which, sometimes, even covered the whole face leaving one eye free.(۲)

He quotes some famous ancient Rabbis saying, "It is not like the

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۱- Abdul Rahman Doi, Woman in Shari'ah (London: Ta-Ha Publishers, ۱۹۹۴) p. ۷۶.

۲- Menachem M. Brayer, The Jewish Woman in Rabbinic Literature: A Psychosocial Perspective (Hoboken, N.J: Ktav Publishing House, ۱۹۸۶) p. ۲۳۹.

daughters of Israel to walk out with heads uncovered” and “Cursed be the man who lets the hair of his wife be seen (...) a woman who exposes her hair for self-adornment brings poverty.” Rabbinic law forbids the recitation of blessings or prayers in the presence of a bareheaded married woman since uncovering the woman’s hair is considered “nudity”.(۱)

Dr. Brayer also mentions that “During the Tannaitic period the Jewish woman’s failure to cover her head was considered an affront to her modesty. When her head was uncovered she might be fined four hundred zuzim for this offense.” Dr. Brayer also explains that veil of the Jewish woman was not always considered a sign of modesty. Sometimes, the veil symbolized a state of distinction and luxury rather than modesty. The veil personified the dignity and superiority of noble women. It also represented a woman’s inaccessibility as a sanctified possession of her husband.(۲)

The veil signified a woman’s self-respect and social status. Women of lower classes would often wear the veil to give the impression of a higher standing. The fact that the veil was the sign of nobility was the reason why prostitutes were not permitted to cover their hair in the old Jewish society. However, prostitutes often wore a special headscarf in order to look respectable.(۳)

Jewish women in Europe continued to wear veils until the nineteenth century when their lives became more intermingled with the surrounding secular culture. The external pressures of the European life in the nineteenth century forced many

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۱- Ibid., pp. ۳۱۶-۳۱۷. Also see Swidler, op. cit., pp. ۱۲۱-۱۲۳.

۲- Ibid., p. ۱۳۹.

۳- Susan W. Schneider, Jewish and Female (New York: Simon Schuster, ۱۹۸۴) p. ۲۳۷.

of them to go out bare-headed. Some Jewish women found it more convenient to replace their traditional veil with a wig as another form of hair covering. Today, most (pious Jewish women do not cover their hair except in the synagogue.(۱

(Some of them, such as the Hasidic sects, still use the wig.(۲

What about the Christian tradition? It is well known that Catholic Nuns have been covering their heads for hundreds of years, but that is not all. St. Paul in the New :Testament made some very interesting statements about the veil

Now I want you to realize that the head of every man is Christ, and the head of the" woman is man, and the head of Christ is God. Every man who prays or prophesies with his head covered dishonours his head. And every woman who prays or prophesies with her head uncovered dishonours her head - it is just as though her head were shaved. If a woman does not cover her head, she should have her hair cut off; and if it is a disgrace for a woman to have her hair cut off or shaved off, she should cover her head. A man ought not to cover his head, since he is the image and glory of God; but the woman is the glory of man. For man did not come from woman, but woman from man; neither was man created for woman, but woman for man. For this reason, and because of the angels, the

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.Ibid., pp. ۲۳۸-۲۳۹ -۱

Alexandra Wright, "Judaism", in Holm and Bowker, ed., op. cit., pp. ۱۲۸-۱۲۹ -۲

.(woman ought to have a sign of authority on her head" (I Corinthians ۱۱:۳-۱۰

St. Paul's rationale for veiling women is that the veil represents a sign of the authority of the man, who is the image and glory of God, over the woman who was created from and for man. St. Tertullian in his famous treatise 'On the Veiling of Virgins' wrote, "Young women, you wear your veils out on the streets, so you should wear them in the church, you wear them when you are among strangers, then wear them among your brothers..." Among the Canon laws of the Catholic Church today, there is a law (that requires women to cover their heads in church.(۱

Some Christian denominations, such as the Amish and the Mennonites for example, keep their women veiled to the present day. The reason for the veil, as offered by their Church leaders, is that "The head covering is a symbol of woman's subjection to the man and to God", which is the same logic introduced by St. Paul in the New (Testament.(۲

From all the above evidence, it is obvious that Islam did not invent the head cover. However, Islam did endorse it. The Qur'an urges the believing men and women to lower their gaze and guard their modesty and then urges the believing women to :extend their head covers to cover the neck and the bosom

Say to the believing men that they should lower their gaze and guard their modesty" (......)And say to the

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۱ - Clara M. Henning, "Cannon Law and the Battle of the Sexes" in Rosemary R. Ruether, ed., Religion and Sexism: Images of Woman in the Jewish and Christian .Traditions (New York: Simon and Schuster, ۱۹۷۴) p. ۲۷۲

۲ - Donald B. Kraybill, The riddle of the Amish Culture (Baltimore: Johns Hopkins .University Press, ۱۹۸۹) p. ۵۶

believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what ordinarily appear thereof; (that they should draw their veils over their bosoms...." (۲۴:۳۰,۳۱

The Qur'an is quite clear that the veil is essential for modesty, but why is modesty :important? The Qur'an is still clear

O Prophet, tell your wives and daughters and the believing women that they should" cast their outer garments over their bodies (when they go out) so that they should be (known and not molested."(۳۳:۵۹

This is the whole point, modesty is prescribed to protect women from molestation or simply, modesty is protection. Thus, the only purpose of the veil in Islam is protection. The Islamic veil, unlike the veil of the Christian tradition, is not a sign of man's authority over woman nor is it a sign of woman's subjection to man. The Islamic veil, unlike the veil in the Jewish tradition, is not a sign of luxury and distinction of some noble married women. The Islamic veil is only a sign of modesty with the purpose of protecting women, all women. The Islamic philosophy is that it is always better to be safe than sorry. In fact, the Qur'an is so concerned with protecting women's bodies and women's reputation that a man who dares to falsely accuse a woman of :unchastity will be severely punished

And those who launch a charge against chaste women, and produce not four" (witnesses (to support their allegations

Flog them with eighty stripes; and reject their evidence ever after: for such men are – (wicked transgressors."(۲۴:۴

Compare this strict Qur'anic attitude with the extremely lax punishment for rape in :the Bible

If a man happens to meet a virgin who is not pledged to be married and rapes her " and they are discovered, he shall pay the girl's father fifty shekels of silver. He must marry the girl, for he has violated her. He can never divorce her as long as he (lives."(Deut. ۲۲:۲۸-۳۰

One must ask a simple question here, who is really punished? The man who only paid a fine for rape, or the girl who is forced to marry the man who raped her and live with him until he dies? Another question that also should be asked is this: which is more ?protective of women, the Qur'anic strict attitude or the Biblical lax attitude

Some people, especially in the West, would tend to ridicule the whole argument of modesty for protection. Their argument is that the best protection is the spread of .education, civilised behaviour, and self restraint

We would say: fine but not enough. If 'civilization' is enough protection, then why is it that women in North America dare not walk alone in a dark street – or even across an empty parking lot? If Education is the solution, then why is it that a respected university like Queen's has a 'walk home service' mainly for female students on campus? If self

restraint is the answer, then why are cases of sexual harassment in the workplace reported on the news media every day? A sample of those accused of sexual harassment, in the last few years, includes: Navy officers, Managers, University Professors, Senators, Supreme Court Justices, and the President of the United States! I could not believe my eyes when I read the following statistics, in a pamphlet issued by the Dean of Women's office at Queen's University:

- In Canada, a woman is sexually assaulted every ۶ minutes,
- ۱ in ۳ women in Canada will be sexually assaulted at some time in their lives,
- ۱ in ۴ women are at the risk of rape or attempted rape in her lifetime,
- ۱ in ۸ women will be sexually assaulted while attending college or university, and
- A study found ۶۰٪ of Canadian university-aged males said they would commit sexual assault if they were certain they wouldn't get caught.

Something is fundamentally wrong in the society we live in. A radical change in the society's life style and culture is absolutely necessary. A culture of modesty is badly needed, modesty in dress, in speech, and in manners of both men and women. Otherwise, the grim statistics will grow even worse day after day and, unfortunately, women alone will be paying the price. Actually, we all suffer but as K. Gibran has said, "...for the person who receives the blows is not like the one who counts them."(۱)

Therefore, a society like

۱- Khalil Gibran, Thoughts and Meditations (New York: Bantam Books, ۱۹۶۰) p. ۲۸.

France which expels young women from schools because of their modest dress is, in .the end, simply harming itself

It is one of the great ironies of our world today that the very same headscarf revered as a sign of 'holiness' when worn for the purpose of showing the authority of man by Catholic Nuns, is reviled as a sign of 'oppression' when worn for the purpose of .protection by Muslim women

Epilogue

The one question all the non-Muslims, who had read an earlier version of this study, had in common was: do Muslim women in the Muslim world today receive this noble treatment described here? The answer, unfortunately, is: No. Since this question is inevitable in any discussion concerning the status of women in Islam, we have to .elaborate on the answer in order to provide the reader with the complete picture

It has to be made clear first that the vast differences among Muslim societies make most generalizations too simplistic. There is a wide spectrum of attitudes towards women in the Muslim world today. These attitudes differ from one society to another and within each individual society. Nevertheless, certain general trends are discernible. Almost all Muslim societies have, to one degree or another, deviated from the ideals of Islam with respect to the status of women. These deviations have, for the most part, been in one of two opposite directions. The first direction is more conservative, restrictive, and traditions-oriented, while the second is more liberal and .Western-oriented

The societies that have digressed in the first direction treat women according to the customs and traditions inherited from their forebears. These traditions usually deprive women of many rights granted to them by Islam. Besides, women are treated .according to standards far different from those applied to men

This discrimination pervades the life of any female: she is received with less joy at birth than a boy; she is less likely to go to school; she might be deprived any share of her family's inheritance; she is under continuous surveillance in order not to behave immodestly while her brother's immodest acts are tolerated; she might even be killed for committing what her male family members usually boast of doing; she has very little say in family affairs or community interests; she might not have full control over her property and her marriage gifts; and finally as a mother she herself would prefer .to produce boys so that she can attain a higher status in her community

On the other hand, there are Muslim societies (or certain classes within some societies) that have been swept over by the Western culture and way of life. These societies often imitate unthinkingly whatever they receive from the West and usually end up adopting the worst fruits of Western civilization. In these societies, a typical ."modern" woman's top priority in life is to enhance her physical beauty

Therefore, she is often obsessed with her body's shape, size, and weight. She tends to care more about

her body than her mind and more about her charms than her intellect. Her ability to charm, attract, and excite is more valued in the society than her educational achievements, intellectual pursuits, and social work. One is not expected to find a copy of the Qur'an in her purse since it is full of cosmetics that accompany her wherever she goes. Her spirituality has no room in a society preoccupied with her attractiveness. Therefore, she would spend her life striving more to realize her .femininity than to fulfil her humanity

Why did Muslim societies deviate from the ideals of Islam? There is no easy answer. A penetrating explanation of the reasons why Muslims have not adhered to the Qur'anic guidance with respect to women would be beyond the scope of this study. It has to be made clear, however, that Muslim societies have deviated from the Islamic .precepts concerning so many aspects of their lives for so long

There is a wide gap between what Muslims are supposed to believe in and what they actually practice. This gap is not a recent phenomenon. It has been there for centuries and has been widening day after day. This ever widening gap has had disastrous consequences on the Muslim world manifested in almost all aspects of life: political tyranny and fragmentation, economic backwardness, social injustice, scientific .bankruptcy, intellectual stagnation, etc

The non-Islamic status of women in the Muslim world today is merely a symptom of a deeper malady. Any reform in the

current status of Muslim women is not expected to be fruitful if not accompanied with more comprehensive reforms of the Muslim societies' whole way of life. The Muslim world is in need for a renaissance that will bring it closer to the ideals of Islam and not further from them. To sum up, the notion that the poor status of Muslim women today is because of Islam is an utter misconception. The problems of Muslims in general are not due to too much attachment to Islam, they are the culmination of a long and deep .detachment from it

It has, also, to be re-emphasized that the purpose behind this comparative study is not, by any means, to defame Judaism or Christianity. The position of women in the Judaeo-Christian tradition might seem frightening by our late twentieth century standards. Nevertheless, it has to be viewed within the proper historical context. In other words, any objective assessment of the position of women in the Judaeo-Christian tradition has to take into account the historical circumstances in which this .tradition developed

There can be no doubt that the views of the Rabbis and the Church Fathers regarding women were influenced by the prevalent attitudes towards women in their societies. The Bible itself was written by different authors at different times. These authors could not have been impervious to the values and the way of life of the people around them. For example, the adultery laws of the Old Testament are so biased against women

that they defy rational explanation by our mentality. However, if we consider the fact that the early Jewish tribes were obsessed with their genetic homogeneity and extremely eager to define themselves apart from the surrounding tribes and that only sexual misconduct by the married females of the tribes could threaten these cherished aspirations, we should then be able to understand, but not necessarily .sympathize with, the reasons for this bias

Also, the diatribes of the Church Fathers against women should not be detached from the context of the misogynist Greco-Roman culture in which they lived. It would be unfair to evaluate the Judaeo-Christian legacy without giving any consideration to the .relevant historical context

In fact, a proper understanding of the Judaeo-Christian historical context is also crucial for understanding the significance of the contributions of Islam to world history and human civilization. The Judaeo-Christian tradition had been influenced and shaped by the environments, conditions, and cultures in which it had existed. By the seventh century C.E., this influence had distorted the original divine message revealed to Moses and Jesus beyond recognition. The poor status of women in the Judaeo-Christian world by the seventh century is just one case in point. Therefore, there was a great need for a new divine message that would guide humanity back to the straight path. The Qur'an described the mission of the new Messenger as a :release for Jews and Christians from the heavy burdens that had been upon them

Those who follow the Messenger, the"

unlettered Prophet, whom they find mentioned in their own Scriptures--In the Law and the Gospel-- For he commands them what is just and forbids them what is evil; he allows them as lawful what is good and prohibits them from what is bad; He releases them from their heavy burdens and from the yokes that are upon them."(۷:۱۵۷)

Therefore, Islam should not be viewed as a rival tradition to Judaism or Christianity. It has to be regarded as the consummation, completion, and perfection of the divine messages that had been revealed before it.

At the end of this study, I would like to offer the following advice to the global Muslim community. So many Muslim women have been denied their basic Islamic rights for so long. The mistakes of the past have to be corrected. To do that is not a favor, it is a duty incumbent upon all Muslims.

The worldwide Muslim community have to issue a charter of Muslim women's rights based on the instructions of the Qur'an and the teachings of the Prophet of Islam. This charter must give Muslim women all the rights endowed to them by their Creator. Then, all the necessary means have to be developed in order to ensure the proper implementation of the charter. This charter is long overdue, but it is better late than never. If Muslims worldwide will not guarantee the full Islamic rights of their mothers, wives, sisters, and daughters, who else will?

Furthermore, we must have the courage to confront

our past and reject outright the traditions and customs of our forefathers whenever they contravene the precepts of Islam. Did the Qur'an not severely criticize the pagan Arabs for blindly following the traditions of their ancestors? On the other hand, we have to develop a critical attitude towards whatever we receive from the West or from any other culture. Interaction with and learning from other cultures is an invaluable experience. The Qur'an has succinctly considered this interaction as one of :the purposes of creation

O mankind We created you from a single pair of a male and a female, and made you" (into nations and tribes, that you may know each other."(۴۹:۱۳

It goes without saying, however, that blind imitation of others is a sure sign of an utter .lack of self-esteem

It is to the non-Muslim reader, Jewish, Christian, or otherwise, that these final words are dedicated. It is bewildering why the religion that had revolutionized the status of women is being singled out and denigrated as so repressive of women. This .perception about Islam is one of the most widespread myths in our world today

This myth is being perpetuated by a ceaseless barrage of sensational books, articles, media images, and Hollywood movies. The inevitable outcome of these incessant misleading images has been total misunderstanding and fear of anything related to Islam. This negative portrayal of Islam in the world media has to end if we are to live in a world free from all traces of discrimination, prejudice, and

.misunderstanding

Non-Muslims ought to realize the existence of a wide gap between Muslims' beliefs and practices and the simple fact that the actions of Muslims do not necessarily represent Islam. To label the status of women in the Muslim world today as "Islamic" is as far from the truth as labelling the position of women in the West today as "Judaeo-Christian". With this understanding in mind, Muslims and non-Muslims should start a process of communication and dialogue in order to remove all misconceptions, suspicions, and fears. A peaceful future for the human family necessitates such a .dialogue

Islam should be viewed as a religion that had immensely improved the status of women and had granted them many rights that the modern world has recognized only this century. Islam still has so much to offer today's woman: dignity, respect, and protection in all aspects and all stages of her life from birth until death in addition to the recognition, the balance, and means for the fulfilment of all her spiritual, .intellectual, physical, and emotional needs

No wonder most of those who choose to become Muslims in a country like Britain are women. In the U.S. women converts to Islam outnumber male converts ۴ to ۱.(۱)

Islam has so much to offer our world which is in great need of moral guidance and leadership. Ambassador Herman Eilts, in a testimony in front of the committee on Foreign Affairs of the House of Representatives of the United States Congress on ,June ۲۴th, ۱۹۸۵, said

The"

۱- The Times, Nov. ۱۸, ۱۹۹۳.

Muslim community of the globe today is in the neighbourhood of one billion. That is an impressive figure. But what to me is equally impressive is that Islam today is the fastest growing monotheistic religion. This is something we have to take into account. ”.Something is right about Islam. It is attracting a good many people

Yes, something is right about Islam and it is time to find that out. I hope this study is a .step on this direction

About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ٩

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ٢٠٠٧, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

encouraging the populace particularly the youth in investigating the religious issues-

replacing useful contents with useless ones in the cellphones, tablets and computers-

providing services for seminary and university researchers-

spreading culture study in the publich-

paving the way for the publications and authors to digitize their works-

:Policies

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relationship with similar centers-

avoiding parallel working-

merely presenting scientific contents-

mentioning the sources-

.It's obvious that all the responsibilities are due to the author

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:Appreciation

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